



Paul Helliher  
Director

# Department of Pesticide Regulation



Gray Davis  
Governor  
Winston H. Hickox  
Secretary, California  
Environmental  
Protection Agency

## DEPARTMENT OF PESTICIDE REGULATION PESTICIDE REGISTRATION AND EVALUATION COMMITTEE Meeting Minutes – September 19, 2003

### Committee Members/Alternates in Attendance:

Brian Finlayson, Department of Fish and Game (DFG)  
Claudia Moore, Integrated Waste Management Board (IWMB)  
Barbara Todd, Department of Food and Agriculture (CDFA)  
Lynn Baker, Air Resources Board (ARB)  
Syed Ali, State Water Resources Control Board (SWRCB)  
Frank Carl, Sacramento County Department of Agriculture  
Barry Wilson, Department of Environmental Toxicology, University of California-Davis (UCD)  
Anna Fan, Office of Environmental Health Hazard Assessment (OEHHA)  
Tobi Jones, Department of Pesticide Regulation (DPR)

### Visitors in Attendance:

Arthur Lawyer, Technology Sciences Group, Inc.  
Adam Laputz, SWRCB  
John Pearson, Compliance Service  
Kevin Keefer, California Plant Health Association  
Marie Maks, Nichino America, Inc.  
Bryan Eya, Department of Toxic Substances Control  
Dave Rice, OEHHA  
Robert Schlag, OEHHA  
Geoff Siemering, San Francisco Estuary Institute (SFEI)  
Tom Phillips, ARB  
Don Koehler, DPR

1. Introductions and Committee Business – Tobi Jones, Chairperson
  - a. About 20 people attend the meeting.
  - b. There were no corrections to the minutes of the previous meeting held on May 16, 2003.
2. Portable Class Room Study: A Report to the Legislature – Peggy Jenkins and Tom Phillips, ARB

In the fiscal year 2000-01 budget, \$1 million were allocated for a joint ARB-Department of Health Services (DHS) study of the environmental health conditions in California's portable classrooms. The study was mandated in response to concerns that had been raised by a

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number of groups regarding insufficient ventilation, excess formaldehyde, mold, and other environmental problems reported in portable classrooms. A report to the Legislature, including recommendations developed in consultation with interested stakeholders to address any problems found in the study, was prepared as required.

The study was conducted in two phases: mailed questionnaires to teachers and facility managers at over 1,000 schools statewide, and detailed on-site measurements of a variety of environmental factors at 201 classrooms in 67 schools statewide. Public workshops and meetings with key state agencies were held before and after the study was conducted. Staff also met individually with some school district personnel and portable classroom manufacturers.

The study results show that both portable and traditional (site-built) classrooms in California's public schools have environmental conditions that need improvement. Some of the findings include: inadequate outdoor air ventilation and poor system maintenance in many classrooms; temperature and humidity levels outside the acceptable range in some classrooms; indoor levels of formaldehyde exceeding OEHHA's guideline levels and the ten-in-a million cancer risk level in nearly all classrooms; elevated levels of lead and arsenic in the floor dust in some classrooms; residues of numerous pesticides in the floor dust of many classrooms; visible mold or evidence of moisture problems (water stains) in about one-fourth of the classrooms; background noise above current guideline levels in all classrooms; inadequate lighting in some classrooms. Most, but not all, of these problems were found more often in portable classrooms than in traditional classrooms.

A number of recommendations are provided to help guide resolution of the problems identified. In particular, ARB and DHS recommend that school districts assure that school buildings fully meet all State regulations, especially those of Cal-OSHA related to ventilation, sanitation, and moisture intrusion; that schools undertake a facility self-inspection process similar to that of the Los Angeles School District; and that the State establish a policy of incorporating "Best Practices" into the design, construction, operation, and maintenance of schools. Additionally, long-term, stable funding mechanisms need to be developed for operation, maintenance, and repair of school buildings; state review of school plans and training programs should be increased; and state-level guidelines or standards for chemical exposure and noise levels in classrooms should be developed.

### 3. Update on Aquatic Pesticide Monitoring Program – Geoff Siemering, SFEI

The Aquatic Pesticide Monitoring Program (APMP) began in January 2002 and is funded by the California State Water Resources Control Board (SWRCB). The APMP was begun because of a series of court decisions and legal settlement. In 2001, a ruling by the U.S. Ninth Circuit Court of Appeals, in *Headwaters, Inc. v. Talent Irrigation District*, stated that registration and labeling of aquatic pesticides under the federal pesticide law (Federal Insecticide, Fungicide and Rodenticide Act or FIFRA) does not preclude the requirement to obtain coverage under a

National Pollutant Discharge Elimination System (NPDES) permit prior to discharging such pesticides into waters of the U.S. As a settlement of further legal action with local environmental advocacy groups, SWRCB agreed to fund two years of research and monitoring to: (1) provide the State with enough information to develop an acceptable general NPDES permit when the current emergency permit expires and, (2) explore nonchemical aquatic pest control alternatives. The APMP is charged with developing, implementing, and managing a statewide aquatic pesticide monitoring program. The SFEI, as the entity designated to implement the APMP, is administering the program under a contract with SWRCB.

**Management Objectives** - The purpose of the APMP is to provide information to SWRCB and the Regional Water Quality Control Boards to enable them to effectively regulate discharges of aquatic pesticide to surface waters. The APMP management objectives include:

1. Implement and integrate environmental monitoring and special studies to evaluate the potential water quality impacts associated with the application of aquatic pesticides in representative water bodies throughout the State of California.
2. Evaluate the effectiveness and feasibility of nonchemical aquatic pest control alternatives.

In addition to these general management objectives, the contract between SWRCB and SFEI specifies the inclusion of the following studies:

- Fate and transport analysis of applied materials. Through literature review and field monitoring, this effort shall assess the fate and residence time of the pesticide in the environment and its movement through the ecosystem. This analysis shall evaluate and confirm through sampling, the expected aerial extent and duration of the pesticide's presence, mass loading of the pesticide, and an evaluation of the pesticide's ability to persist or bioaccumulate. This analysis shall also apply to pesticide breakdown products.
- Efforts to assess impacts to beneficial uses including potential routes of exposure, life cycle bioassessments on a range of species, biochemical and/or physiological testing of sublethal effects including reproduction and growth.
- Characterization of accumulation in sediments where a pesticide may reasonably be suspected to be persistent in the environment. Sampling should include associated sediment quality parameters that may influence persistence or toxicity.
- Characterization of accumulation in organisms where a pesticide may reasonably be suspected to be persistent or bioaccumulative.
- Community monitoring survey. The goal of this study is to evaluate the cumulative impact of the pesticide use on nontarget plants or animals. This study shall evaluate the impact of pesticide applications on organism diversity and ecosystem integrity relative to similar ecosystems where the applications do not occur.

- Pilot projects for promising alternatives may be conducted and monitored to evaluate nontoxic or less toxic pest control methods that may provide a practicable substitute for pesticide application.

This project was initially to be completed by February 2003, however, phasing in monitoring techniques as circumstances indicated have allowed the retention of sufficient funds to conduct a third year of monitoring. The initial report schedule will be maintained with the draft final report due to SWRCB on December 30, 2003 and the final report due February 27, 2004.

4. Proposed Field Testing of a Genetically Engineered *Acaligenes xylosoxidans* – Don Koeler, DPR

Don notified the Committee of field trials being conducted in California using a genetically modified strain of *Acaligenes xylosoxidans*. The trials are being conducted at four locations around the State by research scientists from the University of California-Riverside. The objective of the research is to see if this microbe would be a suitable vector to deliver biocontrol agents into grapevines to attack *Xylella fastidiosa*, the microbe that causes Pierce's Disease. For these initial experiments, the only modification to the microbe is the addition of a fluorescent marker to aid in following the colonization and movement of the microbe in treated grapevines and in the environment. Since the microbe currently contains no pesticidal characteristics, the experiments were approved by the Office of Toxic Substances at the U.S. Environmental Protection Agency. Consequently, DPR has no direct regulatory oversight of these trials.

5. Agenda Items for Next Meeting – Tobi Jones

The next meeting will be held on Friday, November 21, 2003, in the Sierra Hearing Room located on the second floor of the Cal/EPA building.

6. Closing Comments – Tobi Jones

The meeting was adjourned.